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OGC Has Reviewed

6 March 1949

MEMORANDUM FOR: ACTING EXECUTIVE FOR
ADMINISTRATION AND
TRAINING, OFC

SUBJECT:

Mr. [REDACTED]

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1. There appear to be some misapprehensions in your memorandum to this office of 24 February, and the attached memorandum from you to [REDACTED] dated 18 February. In the latter, you state that this office advised that it would be impossible to pay him a salary unless he would indicate his willingness to waive his pension during the period of his employment with CIA. There is no bar, that we know of, to his appointment by us and the payment of salary of the grade to which appointed.

2. Since, however, we are on notice that the Comptroller General will order his retirement annuity suspended during the period of such employment, there is a duty on this Agency to notify the Retirement Section of the Foreign Service Personnel Division of the dates of his entrance on duty and of the termination of his employment with this Agency. Thus it does not appear necessary for the Budget Officer to require a formal waiver from Mr. [REDACTED]. Upon termination, it is our information that his annuity will be automatically renewed when proper notification is sent to the Foreign Service Officers. It should be noted that if Mr. [REDACTED] is given a temporary appointment not to exceed one year (which may be renewed), Civil Service deductions for retirement will not be necessary.

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3. As you have stated, it appears to be the law at present that Mr. [REDACTED] could go into the Court of Claims and obtain a judgment requiring payment of his retirement annuity during his term of employment with us. Since your office feels that the salary proposed for Mr. [REDACTED] is adequate compensation from the Government, he might be asked to give your office a written statement that, in view of the acceptance of his appointment by CIA, he agrees not to pursue whatever rights he may

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have in the Court of Claims. We feel that this would effectively stop him to seek a judgment in that Court for his retirement annuity while employed by us without endangering the removal of that annuity upon termination by us. We believe no special form will be necessary for this notice.

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4. Since the prime question involved concerning maintenance and removal of retirement rights is personal to Mr. [REDACTED] and does not affect our power to employ him, we feel he should be advised that while we feel the above information is accurate, he may wish to seek counsel from his own attorney or discuss the situation with the appropriate officials in the Retirement Section of the Foreign Service Personnel Division.

LAWRENCE R. HOUSTON
General Counsel

cc: Chrono
Subject
Legal Decisions

LRH:ELL

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